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1852

BY-LAWS AND RULES
OF THE
OVERSEERS
OF
HARVARD COLLEGE





Edson L. Whitney.

586. Charles St.

Boston, Mass.

Mar. 4, 1889.

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Harvard university. Board of overseers.

THE

RULES AND BY-LAWS

OF THE

OVERSEERS OF HARVARD COLLEGE.

TO WHICH IS APPENDED

THE CHARTER,

WITH SUNDRY ACTS AND INSTRUMENTS

RELATING TO THE

Powers and Duties of the Overseers.

BOSTON:

PRINTED BY JOHN WILSON & SON,
22, SCHOOL STREET.

1852.

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1852

IN THE BOARD OF OVERSEERS,

January 22, 1852.

Ordered, That Messrs. CUSHING, WINTHROP, WILSON, BANKS, and WALLEY, be a Committee to revise the Rules and Orders, and report thereon at an adjournment of the Board.

IN THE BOARD OF OVERSEERS,

March 4, 1852.

Ordered, That with the Rules of this Board be printed all charters and provisions of law, whether now in force or not, which compose, define, or illustrate the constitution of the College.

Attest,

ALEXANDER YOUNG,

Secretary

Gift
Edson L. Whitney
DEC 8 - 1938

J.K. 17 N39

THE
OVERSEERS
OF
HARVARD COLLEGE.

By Tenure of Office.

- THE GOVERNOR OF THE COMMONWEALTH.
- THE LIEUTENANT-GOVERNOR.
- THE PRESIDENT OF THE SENATE.
- THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.
- THE SECRETARY OF THE BOARD OF EDUCATION.
- THE PRESIDENT OF THE UNIVERSITY.
- THE TREASURER OF THE UNIVERSITY.

By Election.

	Term of Office expires in
REV. DANIEL SHARP, D.D.	1853.
„ JOSEPH FIELD, D.D.	„
„ ALEXANDER YOUNG, D.D.	„
„ HOSEA BALLOU, 2d, D.D.	„
„ GEORGE PUTNAM, D.D.	„

	Term of Office expires in
HON. DANIEL A. WHITE, LL.D.	1853.
„ LEMUEL SHAW, LL.D.	„
„ JAMES T. AUSTIN, LL.D.	„
„ JAMES SAVAGE, LL.D.	„
„ SAMUEL H. WALLEY, A.M.	„
REV. ALONZO HILL, D.D.	1854.
„ WILLIAM P. LUNT, D.D.	„
„ SAMUEL K. LOTHROP, A.M.	„
„ WILLIAM A. STEARNS, A.M.	„
„ GEORGE E. ELLIS, A.M.	„
HON. JACOB BIGELOW, M.D.	„
„ EDWARD EVERETT, LL.D.	„
„ JOHN C. GRAY, A.M.	„
„ STEPHEN C. PHILLIPS, A.M.	„
„ GEORGE S. HILLARD, A.M.	„
HON. DANIEL W. ALVORD, A.M.	1855 or 1856.
„ GEORGE N. BRIGGS, LL.D.	„ „
„ CALEB CUSHING, A.M.	„ „
„ PLINY MERRICK, A.M.	„ „
REV. RODNEY A. MILLER, A.M.	„ „
HON. JOHN G. PALFREY, D.D., LL.D.	„ „
REV. JAMES PORTER, A.M.	„ „
HON. NATHANIEL B. SHURTLEFF, M.D.	„ „
REV. ANDREW L. STONE, A.M.	„ „
HON. ROBERT C. WINTHROP, LL.D.	„ „

RULES AND BY-LAWS

OF THE

OVERSEERS OF HARVARD COLLEGE.

I.

A STATED annual meeting of the Overseers shall be held at Boston on the last Thursday of January, and, with permission of the Senate, in the Senate Chamber. There shall also be a stated meeting of the whole Board at Cambridge, on the third Thursday of June in each year, for the general visitation of the University. Adjourned meetings may be held at such place and time as the Board shall order. Special meetings will be convened, upon application made to the Secretary in writing, by the Governor of the Commonwealth, by the President and Fellows, or by seven or more members of the Board, setting

forth the object of the meeting, its time, and its place, either in Cambridge or Boston.

II.

Notice of all meetings of the Board, whether stated, adjourned, or special, shall be given by the Secretary: the notification of the meeting to specify its time and place; and, if a special one, its object; and to be mailed to the address of each member at least seven days, and published in not less than two newspapers of Boston at least three days, before the time of the meeting. *Provided*, that in the case of a special meeting, alleged in the application therefor to be one of great urgency, notice will be sufficient if mailed four days before the same. *And provided further*, that the Board may, in adjourning from day to day, dispense with notice thereof by the Secretary.

III.

The votes and proceedings of the Overseers,

with the names of the members present at each meeting, shall be recorded; and the record shall be produced by the Secretary at the Overseers' meetings. At the opening of every meeting, the journal of the preceding meeting shall be read by the Secretary.

IV.

The Secretary shall have a list of the members of the Board ready to be produced at any meeting. He shall also acquaint the Presiding Officer, in writing, what Committees are subsisting which have not reported, and what business is by assignment to come before the Board.

V.

A quorum of not less than nine members of the Board shall be requisite for the transaction of any business, except adjourning or obtaining the attendance of members.

VI.

There shall be laid before the Overseers at

the annual meeting, by the President of the University, a statement, authenticated by the Treasurer, of the expenses of the Institution during the past College year.

VII.

There shall always be presented an attested copy of such votes of the Corporation as are laid before the Overseers for their confirmation. And the Secretary shall, from time to time, and as soon as conveniently may be, deliver to the President of the University an attested copy of the votes of the Overseers, to be by him communicated to the Corporation.

VIII.

The Overseers will not receive any votes from the Corporation as to giving degrees on Commencement-day, but such as shall be ready to be presented before ten o'clock in the forenoon on that day; and the grounds and reasons of the Corporation for conferring occa-

sional degrees shall be laid before the Overseers.

IX.

When the consent of the Overseers shall be asked to a vote of the Corporation electing any person to be a governor or instructor in the University, or conferring on any person an honorary degree, the decision shall be by ballot; except in the case of Proctors, where the question may be taken orally or by resolution.

X.

Whenever any vacancy shall occur in the Board of Overseers, by death, resignation, removal from the Commonwealth, or otherwise, notice thereof shall be given by the Secretary forthwith to the Governor of the Commonwealth, that he may communicate the same to the Legislature; and in case the Legislature shall have omitted to fill any vacancy within the time of three months from the day

of its annual meeting, as prescribed by law, then the Secretary shall give notice thereof to the Board, at the first meeting next succeeding the expiration of such three months; and thereupon a nomination list shall be opened, upon which any member of the Board may write the name of any person whom he may wish to fill the vacancy; and no election shall be made to fill it until fourteen days after notice of such vacancy has been given as aforesaid. The election shall be by ballot.

XI.

No nomination of a member of the Corporation or of a permanent Professor shall be ratified by this Board, except at a meeting held on seven days' notice; nor shall any such nomination be finally acted on at the meeting at which it shall have been made.

XII.

There shall be appointed, at every annual meeting of the Overseers, the following Stand-

ing Committees, to be nominated by a Committee appointed for the purpose :—

1. A Visiting Committee, to consist of thirteen members, of which the Governor, the Lieutenant-Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Board of Education, and the Secretary of the Overseers, shall be *ex officio* members ; and the remaining seven shall be chosen from the elective members of the Board. The duty of this Committee shall be to visit the University, at the Spring Exhibition on the first Tuesday of May, and at the Autumn Exhibition on the third Tuesday of October, and at such other times and in such manner as they shall judge best, in order to inquire into its state, and to consider what may tend to increase its reputation and usefulness, and to report at the annual meeting in the succeeding January, unless otherwise specially ordered by the Board.

2. A Committee to visit the Library, the Philosophical Apparatus, the Medical, Chemical, and Anatomical Departments, and to report at the next annual meeting ; to consist of at least nine members.

3. A Committee on the Treasurer's accounts, to consist of at least three members.

4. A Committee of Examination in the Greek language.

5. A Committee of Examination in the Latin language.

6. A Committee of Examination in the Modern languages.

7. A Committee of Examination in Rhetoric, Logic, and Grammar.

8. A Committee of Examination in the Mathematics.

9. A Committee of Examination in Intellectual and Moral Philosophy.

10. A Committee of Examination in Physics.

11. A Committee of Examination in History.

12. A Committee of Examination in Political Economy.

13. A Committee of Examination in Chemistry.

14. A Committee to visit the Observatory.

15. A Committee to visit the Divinity School.

16. A Committee to visit the Law School.

17. A Committee to visit the Medical School.

18. A Committee to visit the Lawrence Scientific School.

The fifteen Committees last named shall consist each of at least seven members; and the Chairman of each Committee shall be a member of this Board. The Committees appointed to examine the students shall prescribe the manner, in all respects, in which such examinations shall be conducted; and shall take the control of them into their own hands, so far as they see fit. The Reports of these Committees shall be called for in the order in which they are named in this Rule.

XIII.

All Committees shall be nominated by the

Presiding Officer, excepting in those cases where it may be otherwise determined by the Overseers; and the person first named shall be Chairman.

XIV.


When any member shall require a question to be determined by yeas and nays, the President shall take the sense of the Board in that manner, provided that one-fourth part of the members present shall be in favor of it.

XV.

Whenever a question shall be taken by yeas and nays, the Secretary shall call the names of all the members, except the President; and no member shall be permitted to vote after the decision is announced from the chair.

XVI.

No member shall speak more than once on one question, to the prevention of any other who has not spoken, and is desirous to speak ;



nor more than twice without leave of the Board.

XVII.

When two or more members happen to rise at once, the President shall name the member who is to speak first.

XVIII.

Every member, when he speaks, shall stand in his place, and address the Presiding Officer as "Mr. President," and shall confine himself to the question under debate.

XIX.

No member speaking shall be interrupted by another, but by rising up to call to order.

XX.

After a question is put to vote, no member shall speak to it.

XXI.

Every motion shall be received and con-

sidered, and shall be reduced to writing, if the President direct it; and no member shall be permitted to lay a motion in writing on the table until he has read it in his place.

XXII.

A question containing two or more propositions capable of division, shall be divided whenever desired by any member.

XXIII.

If any member shall rise to doubt a vote, upon its being declared from the chair, the President shall ascertain the number voting in the affirmative and in the negative, without any further debate. He may vote on all questions, but shall not be required to do so unless the Board shall be equally divided, or unless his vote, if given to the minority, would affect the result.

XXIV.

When a vote has passed, it shall be in order

for any member to move for a reconsideration on the same day; and when a motion for reconsideration is decided, that decision shall not be reconsidered.

XXV.

The rules of parliamentary proceeding, as received and practised in the Legislature of this Commonwealth, shall govern the Board of Overseers in all cases to which they are applicable, and in which they are not inconsistent with the preceding Rules and Orders.

THE
CHARTER OF HARVARD COLLEGE,
WITH
OTHER ACTS AND INSTRUMENTS.

I.

THE ACT ESTABLISHING THE OVERSEERS OF
HARVARD COLLEGE.

*At a General Court held at Boston, on the 8th of
September, in the year 1642.*

WHEREAS, through the good hand of God upon us, there is a College founded in Cambridge, in the county of Middlesex, called HARVARD COLLEGE, for the encouragement whereof this Court has given the sum of four hundred pounds, and also the revenue of the ferry betwixt Charlestown and Boston, and that the well ordering and managing of the said College is of great concernment:—

It is therefore ordered by this Court, and the authority thereof, that the Governor and Deputy Governor for the time being, and all the magistrates of this jurisdiction, together with the teaching elders of the six next adjoining towns, viz. Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, and the President of the said College for the time being, shall, from time to time, have full power and authority to make and establish all such orders, statutes, and constitutions as they shall see necessary for the instituting, guiding, and furthering of the said College, and the several members thereof, from time to time, in piety, morality, and learning; as also to dispose, order, and manage, to the use and behoof of the said College and the members thereof, all gifts, legacies, bequeaths, revenues, lands, and donations, as either have been, are, or shall be conferred, bestowed, or any ways shall fall or come to the said College.

And whereas it may come to pass that many of the said magistrates and elders may

be absent, or otherwise employed in other weighty affairs, when the said College may need their present help and counsel, — It is therefore ordered, that the greater number of magistrates and elders, which shall be present with the President, shall have the power of the whole. *Provided*, that if any constitution, order, or orders, by them made, shall be found hurtful unto the said College or the members thereof, or to the weal public, then, upon appeal of the party or parties grieved unto the company of Overseers first mentioned, they shall repeal the said order or orders, if they shall see cause, at their next meeting, or stand accountable thereof to the next General Court.

[This Act is copied from "The General Laws of the Massachusetts Colony, revised and published by order of the General Court in October, 1658," which was the second edition of the Laws of the Colony, and was printed in 1660. It varies slightly in phraseology from the Act contained in the Records of the General Court, vol. ii. page 24.]

II.

THE CHARTER OF THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE, UNDER THE SEAL OF THE COLONY OF MASSACHUSETTS BAY, AND BEARING DATE, MAY 31, A.D. 1650.

Whereas, through the good hand of God, many well-devoted persons have been, and daily are, moved and stirred up to give and bestow sundry gifts, legacies, lands, and revenues, for the advancement of all good literature, arts, and sciences, in HARVARD COLLEGE, in Cambridge, in the county of Middlesex, and to the maintenance of the President and Fellows, and for all accommodations of buildings, and all other necessary provisions that may conduce to the education of the English and Indian youth of this country in knowledge and godliness:—

It is therefore ordered and enacted by this Court and the authority thereof, that for the

furthering of so good a work, and for the purposes aforesaid, from henceforth that the said College in Cambridge, in Middlesex, in New England, shall be a Corporation, consisting of seven persons, to wit, a President, five Fellows, and a Treasurer or Bursar; and that HENRY DUNSTER shall be the first President, SAMUEL MATHER, SAMUEL DANFORTH, Masters of Art, JONATHAN MITCHELL, COMFORT STARR, and SAMUEL EATON, Bachelors of Art, shall be the five Fellows, and THOMAS DANFORTH to be present Treasurer, all of them being inhabitants in the Bay, and shall be the first seven persons of which the said Corporation shall consist; and that the said seven persons, or the greater number of them, procuring the presence of the Overseers of the College, and by their counsel and consent, shall have power, and are hereby authorized, at any time or times, to elect a new President, Fellows, or Treasurer, so oft, and from time to time, as any of the said person or persons shall die or be removed; which said President and

Fellows for the time being shall for ever hereafter, in name and fact, be one body politic and corporate in law, to all intents and purposes, and shall have perpetual succession, and shall be called by the name of *President and Fellows of Harvard College*, and shall from time to time be eligible as aforesaid; and by that name they and their successors shall and may purchase and acquire to themselves, or take and receive upon free gift and donation, any lands, tenements, or hereditaments, within this jurisdiction of the Massachusetts, not exceeding the value of five hundred pounds per annum, and any goods and sums of money whatsoever, to the use and behoof of the said President, Fellows, and scholars of the said College; and also may sue and plead, or be sued and impleaded, by the name aforesaid, in all courts and places of judicature within the jurisdiction aforesaid.

And that the said President, with any three of the Fellows, shall have power, and are hereby authorized, when they shall think fit, to

make and appoint a common seal for the use of the said Corporation. And the President and Fellows, or the major part of them, from time to time, may meet and choose such officers and servants for the College, and make such allowance to them, and them also to remove, and, after death or removal, to choose such others, and to make, from time to time, such orders and by-laws for the better ordering and carrying on the work of the College, as they shall think fit; *provided*, the said orders be allowed by the Overseers. And also, that the President and Fellows, or major part of them, with the Treasurer, shall have power to make conclusive bargains for lands and tenements, to be purchased by the said Corporation for valuable considerations.

And for the better ordering of the government of the said College and Corporation, — Be it enacted by the authority aforesaid, that the President and three more of the Fellows shall and may, from time to time, upon due warning or notice given by the President to

the rest, hold a meeting for the debating and concluding of affairs concerning the profits and revenues of any lands, and disposing of their goods (provided that all the said disposings be according to the will of the donors), and for direction in all emergent occasions, execution of all orders and by-laws, and for the procuring of a general meeting of all the Overseers and Society, in great and difficult cases, and in cases of non-agreement; in all which cases aforesaid, the conclusion shall be made by the major part, the said President having a casting voice, the Overseers consenting thereunto. And that all the aforesaid transactions shall tend to and for the use and behoof of the President, Fellows, scholars, and officers of the said College, and for all accommodations of buildings, books, and all other necessary provisions and furnitures as may be for the advancement and education of youth in all manner of good literature, arts, and sciences.

And, further, be it ordered by this Court, and the authority thereof, that all the lands,

tenements, or hereditaments, houses, or revenues, within this jurisdiction, to the aforesaid President or College appertaining, not exceeding the value of five hundred pounds per annum, shall from henceforth be freed from all civil impositions, taxes, and rates; all goods to the said Corporation, or to any scholars thereof, appertaining, shall be exempted from all manner of toll, customs, and excise whatsoever; and that the said President, Fellows, and scholars, together with the servants, and other necessary officers to the said President or College appertaining, not exceeding ten, — viz. three to the President and seven to the College belonging, — shall be exempted from all personal civil offices, military exercises or services, watchings and wardings; and such of their estates, not exceeding one hundred pounds a man, shall be free from all country taxes or rates whatsoever, and none others.

In witness whereof, the Court hath caused the seal of the Colony to be hereunto affixed.

Dated the one and thirtieth day of the third month, called May, anno 1650.

[L. S.] THOMAS DUDLEY, *Governor.*

[The original Charter, engrossed on parchment, under the signature of Governor Dudley, with the Colony seal appendant, is in the custody of the President and Fellows of Harvard College. The Charter is also contained in the Records of the General Court, vol. iv. page 10.]

III.

AN APPENDIX TO THE COLLEGE CHARTER,
GRANTED BY AN ACT OF THE GENERAL
COURT OF THE COLONY, PASSED A.D. 1657.

*At a General Court held at Boston, the 14th of
October, 1657.*

In answer to certain proposals presented to this Court by the Overseers of HARVARD COLLEGE, as an Appendix to the College Charter, it is ordered, —

The Corporation shall have power, from time to time, to make such orders and by-laws, for the better ordering and carrying on of the work of the College, as they shall see cause, without dependence upon the consent of the Overseers foregoing. *Provided always*, that the Corporation shall be responsible unto, and those orders and by-laws shall be alterable by, the Overseers, according to their discretion.

And when the Corporation shall hold a meeting for agreeing with College servants, for making of orders and by-laws, for debating and concluding of affairs concerning the profits and revenues of any lands or gifts, and the disposing thereof (provided that all the said disposals be according to the will of the donors), for managing of all emergent occasions, for the procuring of a general meeting of the Overseers and Society in great and difficult cases, and in cases of non-agreement, and for all other College affairs to them pertaining, — in all these cases the conclusion shall be valid, being made by the major part of the Corporation, the President having a casting vote. *Provided always*, that, in these things also, they be responsible to the Overseers as aforesaid.

And in case the Corporation shall see cause to call a meeting of the Overseers, or the Overseers shall think good to meet of themselves, it shall be sufficient unto the validity of College acts, that notice be given to the Overseers in the six towns mentioned in the printed law,

anno 1642, when the rest of the Overseers, by reason of the remoteness of their habitations, cannot conveniently be acquainted therewith.

[This Act is taken from the Records of the General Court, vol. iv. page 265.]

IV.

EXTRACT FROM THE CHARTER GRANTED TO THE
PROVINCE OF MASSACHUSETTS BAY BY KING
WILLIAM AND QUEEN MARY, A.D. 1691.

Provided nevertheless, and we do for us, our heirs and successors, grant and ordain, that all and every such lands, tenements, and hereditaments, and all other estates, which any person or persons, or bodies politic or corporate, towns, villages, colleges, or schools, do hold and enjoy, or ought to hold and enjoy, within the bounds aforesaid, by or under any grant or estate duly made or granted by any General Court formerly held, or by virtue of the letters patents herein before recited, or by any other lawful right or title whatsoever, shall be by such person and persons, bodies politic and corporate, towns, villages, colleges, or schools, their respective heirs, successors, and assigns for ever, hereafter held and enjoyed, according to the purport and intent of such respective grant.

V.

EXTRACT FROM A RESOLVE OF THE PROVINCIAL
GENERAL COURT, PASSED A.D. 1707, DECLAR-
ING THE COLLEGE CHARTER OF 1650 NOT
REPEALED, AND DIRECTING THE PRESIDENT
AND FELLOWS OF THE COLLEGE TO EXERCISE
THE POWERS GRANTED BY IT.

*At a Great and General Court for her Majesty's
Province of the Massachusetts Bay, begun and held
at Boston, upon the 28th of May, 1707, and con-
tinued by several prorogations unto the 29th of Oc-
tober following, being the third session.*

IN COUNCIL.

Thursday, Dec. 4, 1707.

And inasmuch as the first foundation and
establishment of that House [Harvard College,
in Cambridge], and the government thereof,
had its original from an Act of the General
Court, made and passed in the year 1650,
which has not been repealed or nulled, — the
President and Fellows of the said College are

directed, from time to time, to regulate themselves according to the rules of the Constitution by the said Act prescribed, and to exercise the powers and authority thereby granted for the government of that House, and the support thereof.

Saturday, Dec. 6, 1707.

The Representatives returned the Vote passed in Council, the 4th current, referring to the College, with their concurrence thereunto.

By his Excellency the Governor, consented to,

JOSEPH DUDLEY.

[This Resolve is taken from the Records of the General Court, vol. viii. page 344.]

VI.

THE ARTICLES OF THE CONSTITUTION OF THE
COMMONWEALTH OF MASSACHUSETTS, CON-
FIRMING AND SECURING TO HARVARD COL-
LEGE THE PERPETUAL POSSESSION AND
ENJOYMENT OF ALL ITS ESTATES, RIGHTS,
POWERS, AND PRIVILEGES.

CHAPTER V.

SECT. I. — *The University.*

ART. 1. — Whereas our wise and pious
ancestors, so early as the year one thousand
six hundred and thirty-six, laid the foundation
of HARVARD COLLEGE, in which University
many persons of great eminence have, by the
blessing of God, been initiated in those arts
and sciences which qualified them for public
employments both in Church and State; and
whereas the encouragement of arts and sci-
ences and all good literature tends to the
honor of God, the advantage of the Christian
religion, and the great benefit of this and the

other United States of America, — It is declared that the *President and Fellows of Harvard College*, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said President and Fellows of Harvard College, and to their successors, and to their officers and servants respectively, for ever.

ART. 2. — And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made either to Harvard College in Cambridge, in New England, or to the President and Fellows of Harvard College, or to the said College by some other description, under several charters successively, — It is declared that all the said gifts, grants, devises, legacies,

and conveyances are hereby for ever confirmed unto the President and Fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

ART. 3. — And whereas, by an Act of the General Court of the Colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the Governor and Deputy Governor for the time being, and all the magistrates of that jurisdiction, were, with the President, and a number of the clergy in the said Act described, constituted the Overseers of Harvard College; and it being necessary, in this new Constitution of government, to ascertain who shall be deemed successors to the said Governor, Deputy Governor, and magistrates, — It is declared that the Governor, Lieutenant Governor, Council, and Senate of this Commonwealth, are and shall be deemed their successors; who, with the President of Harvard College for the time being,

together with the ministers of the Congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said Act, shall be, and hereby are, vested with all the powers and authority belonging or in any way appertaining to the Overseers of Harvard College. *Provided*, that nothing herein shall be construed to prevent the Legislature of this Commonwealth from making such alterations in the government of the said University as shall be conducive to its advantage and the interest of the republic of letters, in as full a manner as might have been done by the Legislature of the late Province of the Massachusetts Bay.

VII.

AN ACT TO ALTER AND AMEND THE CONSTITUTION OF THE BOARD OF OVERSEERS OF HARVARD COLLEGE.

Whereas the members of the Board of Overseers of Harvard College, as heretofore constituted, cannot conveniently nor constantly attend to the diligent discharge of the duties enjoined on it: —

SECT. 1. — *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Governor, Lieutenant Governor, Counsellors, President of the Senate, and Speaker of the House of Representatives of the Commonwealth, and the President of Harvard College for the time being, with fifteen ministers of Congregational churches, and fifteen laymen, all inhabitants within the State, to be elected as is hereinafter mentioned, shall

for ever hereafter constitute the Board of Overseers of Harvard College ; they, or the major part of them present at any legal meeting, to exercise and enjoy all the rights, powers, and privileges, and to be subject to all the duties, of the existing Board of Overseers of Harvard College. *Provided, however,* that all the ministers of Congregational churches who are members of that Board shall remain members of the Board of Overseers established by this Act, so long as they shall continue ministers respectively of their Congregational churches, and no longer.

SECT. 2. — *Be it further enacted,* That as soon as conveniently may be, after this Act shall be in force, the present Secretary of the Board of Overseers, or, if that office be vacant, the President, or a major part of the Fellows of Harvard College, shall call a meeting of the Overseers of Harvard College, to be holden at some suitable time and place, for electing fifteen laymen, inhabitants of the State, to be members of the Board of Overseers ; the said

meeting to be notified by publishing the time and place of holding the same in each of the public newspapers printed in Boston, ten days at the least before the time of holding the same; and the said elections to be made by ballot, by the major part of the Overseers present; and all persons who then, if this Act had not been in force, would have been members of the Board of Overseers of Harvard College, shall have right to meet and vote in the said elections.

SECT. 3. — *Be it further enacted*, That the Board of Overseers, as constituted by this Act, may, at any legal meeting, choose by a majority of votes a Secretary, when that office shall be vacant, who shall be under oath truly to record all the votes and proceedings of the Board, and faithfully to discharge all the duties of his office; and the said Board may, at any legal meeting, by a majority of votes determine, from time to time, when and in what manner its meetings shall be held, called, and notified; and, at any legal meeting of the said

Board, the Governor, if present, shall preside; if not, the Lieutenant Governor, if present, shall preside; in their absence, the oldest member of the Council present shall preside; if they also be absent, the President of the Senate shall preside, if present; but in his absence also, the Speaker of the House of Representatives shall preside; and, if neither of them be present, the greater part of the Overseers present at such meeting shall choose a President *pro tempore*, and until one of the officers aforesaid shall be present. *Provided, nevertheless,* that the Secretary of the Overseers shall have power to call a meeting of the said Board, at such times as he shall be thereto requested by the President and Fellows of Harvard College; such meeting to be notified as the said Board shall direct.

SECT. 4. — *Be it further enacted,* That when any minister of any Congregational church, being a member of the said Board, shall cease to have the ministerial relation he now has, or may have had at the time of his election,

or when any member of the elective part of the said Board shall remove out of the State, the place of such minister or member shall thereupon become vacant. And the said Board may, at any legal meeting, by a vote of the greater number present, remove from his place any member of the elective part of the said Board who shall neglect to attend the meetings thereof without reasonable excuse, when duly notified, or who by his immoral conduct shall have rendered himself unworthy of holding his place; but, before any vote shall pass to remove any member, he shall have reasonable notice, and a fit opportunity to be heard in his defence.

SECT. 5. — *Be it further enacted*, That, for establishing a perpetual succession in the elective part of the said Board, whenever a vacancy shall happen therein, by death, resignation, or otherwise, the Overseers may, at a legal meeting, by a majority of the votes present, fill up such vacancy by electing therefor some suitable person, who shall be an in-

habitant of the State. *Provided, however,* that no minister of any Congregational church shall be so elected when there are fifteen ministers of Congregational churches members of the elective part of the said Board, nor shall any layman be so elected when there are fifteen laymen members of the elective part of the said Board; but, in all cases when there are fifteen ministers and fifteen laymen members of the elective part of the said Board, there shall not be deemed to be any vacancy therein.

SECT. 6. — *Be it further enacted,* That this Act shall be in force when the Overseers of Harvard College, as heretofore constituted, and the President and Fellows of Harvard College, shall agree to accept the provisions in this Act contained. [March 6, 1810.]

[The provisions of this Act were accepted by the President and Fellows on the 16th of March, 1810, and by the Overseers on the 12th of April, in the same year.]

VIII.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE CONSTITUTION OF THE BOARD OF OVERSEERS OF HARVARD COLLEGE, AND TO REGULATE CERTAIN MEETINGS OF THAT BOARD."

SECT. 1.—*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an Act made and passed the seventh day of March, in the year of our Lord one thousand eight hundred and ten, entitled "An Act to alter and amend the constitution of the Board of Overseers of Harvard College," be, and the same is hereby, repealed; and the Board of Overseers, from and after the passing of this Act, shall be constituted in the same way and manner, and be composed of the same persons, and no others, that it would

have been, had the same Act never been made or passed.

SECT. 2.— *Be it further enacted*, That there shall be a meeting of the Board of Overseers of Harvard College, as the same will be constituted after the passing of this Act, on the second Wednesday of the first session of the General Court annually, in the Senate Chamber, at three o'clock in the afternoon, (unless otherwise ordered by the said Board of Overseers), if the General Court shall remain so long in session, and at such other times and places as the said Board shall order; at which annual meeting it shall be the duty of the Secretary of said Board, at the first meeting thereof, to lay before them the records and proceedings of the Corporation of Harvard College, and of the said Board of Overseers, which have been had since the passing of the Act aforesaid, which is hereby repealed; and, in like manner, all the proceedings which may have been had by said Corporation and Board of Overseers shall be

laid before them at their next succeeding meeting, to be held agreeably to the provisions of this Act. [Feb. 29, 1812.]

[This Act was not assented to by the Overseers, or by the President and Fellows, but its validity was denied by both Boards; and it was repealed by the Act on the next page.]

IX.

AN ACT TO RESTORE THE BOARD OF OVERSEERS
OF HARVARD COLLEGE, AND TO MAKE AN
ADDITION THERETO.

SECT. 1. — *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an Act made and passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twelve, entitled "An Act to repeal an Act entitled 'an Act to alter and amend the constitution of the Board of Overseers of Harvard College, and to regulate certain meetings of that Board,'" be, and the same is hereby, repealed.

SECT. 2. — *Be it further enacted,* That the Senate of this Commonwealth shall be, and they hereby are, added to the Board of Overseers constituted by an Act made and passed

on the sixth day of March, in the year of our Lord one thousand eight hundred and ten, entitled "An Act to alter and amend the constitution of the Board of Overseers of Harvard College," and shall, together with the persons mentioned in the said last-mentioned Act, hereafter constitute the Board of Overseers of Harvard College; they, or the major part of them present at any legal meeting, to exercise and enjoy all the rights, powers, and privileges, and to be subject to all the duties, of the Board of Overseers constituted under the said last-mentioned Act.

SECT. 2. — *Be it further enacted*, That this Act shall be in force when the Overseers of Harvard College, constituted by the last-mentioned Act, and the President and Fellows of Harvard College, shall agree to accept the provisions of this Act. [Feb. 28, 1814.]

[The provisions of this Act were accepted by the President and Fellows on the 10th of March, 1814, and by the Overseers on the 17th of the same month.]

X.

AN ACT IN ADDITION TO "AN ACT TO ALTER
AND AMEND THE CONSTITUTION OF THE
BOARD OF OVERSEERS OF HARVARD COL-
LEGE."

SECT. 1. — *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,*
That whenever any vacancy exists in the clerical part of the Board of Overseers of Harvard College, the Board, in filling such vacancy, agreeably to the provisions of the statute of one thousand eight hundred and nine, chapter one hundred and fourteenth, may elect any stated minister of a church of Christ, ordained agreeably to the usages of the order to which he may belong. *Provided*, that when any minister so elected shall cease to have the ministerial relation he had at the time of his

election, or shall remove out of the Commonwealth, the place of such minister at said Board shall thereupon become vacant.

SECT. 2. — *Be it further enacted*, That this Act shall be in force when the Overseers of Harvard College, and the President and Fellows of Harvard College, shall accept the provisions of the same. [March 28, 1834.]

[The provisions of this Act were accepted by the Overseers on the 16th of February, 1843, and by the President and Fellows on the 25th of the same month.]

XI.

AN ACT TO CHANGE THE ORGANIZATION OF THE
BOARD OF OVERSEERS OF THE UNIVERSITY AT
CAMBRIDGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:—

SECT. 1. — The Board of Overseers of Harvard College, as constituted by existing laws, shall continue until the day of the next annual meeting of the General Court, and no longer.

SECT. 2. — The Governor, Lieutenant Governor, President of the Senate, and Speaker of the House of Representatives of the Commonwealth, the Secretary of the Board of Education, and the President and Treasurer of Harvard College, for the time being, together with thirty other persons, as hereinafter

defined and described, and no others, shall, on and after the day of the next annual meeting of the General Court, constitute the Board of Overseers of Harvard College; they, or the major part of them, present at any legal meeting, to exercise and enjoy all the rights, powers, and privileges, and to be subject to all the duties, of the existing Board of Overseers.

SECT. 3. — The thirty persons, who, in addition to the *ex officio* members thereof, now constitute the Board of Overseers, shall be divided into three classes of ten each, by lot or otherwise, as they themselves may determine; and the persons of the first class shall go out of office on the day of the next annual meeting of the General Court, and their places be supplied by joint ballot of the Senators and Representatives of the Commonwealth, assembled in one room; and the persons of the second class shall go out of office on the day of the annual meeting of the General Court, which will be in the year one thousand

eight hundred and fifty-three, and their places be supplied in like manner by joint ballot of the Senators and Representatives; and the persons of the third class shall go out of office on the day of the annual meeting of the General Court, which will be in the year one thousand eight hundred and fifty-four, and their places be supplied in like manner by joint ballot of the Senators and Representatives. *Provided*, that the persons of each of the same outgoing classes shall continue in office for two months after the day of the said annual meeting of the General Court, unless their successors shall have been sooner chosen by the Senators and Representatives.

SECT. 4. — When the Board of Overseers shall have been wholly renewed, in the manner prescribed in the foregoing section, the members thereof shall be divided into six equal classes, by subdivision of the previous classes into two each, according to lot or otherwise, as the Board may determine, and having regard to seniority of service among

the said previous classes, in arranging the order of precedence of the new series; and the said six classes shall thereafter go out of office in rotation, and in order of precedence as thus defined, one at each successive annual meeting of the General Court, and their places be supplied by joint ballot of the Senators and Representatives.

SECT. 5. — Any vacancy occurring in said Board of Overseers, whether by death, resignation, removal from the Commonwealth, or otherwise, shall be filled by joint ballot of the Senators and Representatives, as herein before provided; and if the General Court omit to fill, within three months from the day of its annual meeting, as aforesaid, any existing vacancy, then such vacancy may be filled by the remaining Overseers; but the person so elected to fill any vacancy, whether by the Senators and Representatives or by the Overseers, shall be deemed a member of, and go out of office with, the class to which his predecessor belonged.

SECT. 6. — The Governor, if present, shall preside at any legal meeting of said Board of Overseers; if not, the Lieutenant Governor; in their absence, the President of the Senate; in his absence, the Speaker of the House of Representatives; but if neither of the persons named be present, then the meeting shall elect a President *pro tempore*; and the said Board may choose by majority of votes a Secretary, when that office shall be vacant, who shall be under oath truly to record the votes and proceedings of the Board, and faithfully to discharge all the duties of his office; and the said Board may make, establish, and alter such rules of proceeding, and other by-laws, as they shall deem meet, *provided* that the same be not inconsistent with the constitution and laws of the Commonwealth.

SECT. 7. — No member of the General Court which elects shall be eligible to a place in the said Board of Overseers; and no person shall be re-eligible for more than one term

immediately succeeding that for which he shall have been first elected.

SECT. 8. — This Act shall be in force when the Board of Overseers, as heretofore constituted, and the President and Fellows of Harvard College, respectively, at meetings held for that purpose during the present session of the General Court, shall by vote have assented to the same. *Provided*, that nothing contained herein shall be deemed to prejudice any constitutional powers which may be possessed by the General Court.

SECT. 9. — All Acts or parts of Acts, inconsistent herewith, are repealed.

[May 22, 1851.]

[This Act was assented to by the President and Fellows on the 22d of May, 1851, and by the Overseers on the same day.]

XII.

AN ACT EXPLANATORY OF THE ACTS RELATING
TO THE ORGANIZATION OF THE BOARD OF
OVERSEERS OF THE UNIVERSITY AT CAM-
BRIDGE.

*Be it enacted by the Senate and House of
Representatives in General Court assembled,
and by the authority of the same, as follows:—*

SECT. 1. — The several Acts relating to the organization of the Board of Overseers of Harvard College shall be so construed as to empower the said Board to order and provide, by rule or by-law, what number of the members thereof, not less than nine, shall constitute a quorum or legal meeting of the same.

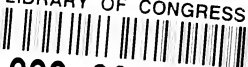
SECT. 2. — This Act shall take effect from and after its passage. [March 3, 1852.]







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